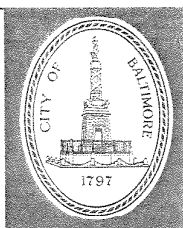


CITY OF BALTIMORE

MARTIN O'MALLEY, Mayor



DEPARTMENT OF LAW

THURMAN W. ZOLLIFFER, JR., City Solicitor  
101 City Hall  
Baltimore, Maryland 21202

January 23, 2004

Howard J. Schulman, Esquire  
Schulman & Kaufman  
One Charles Center  
100 N. Charles Street, Suite 600  
Baltimore, Maryland 21201

Re: Cephus M. Murrell, et al. v. Mayor and  
City Council of Baltimore, et al.  
Civil Action No.: MJG-01-CV-3560

Dear Mr. Schulman:

I am writing in response to your letter to Judge Garbis dated January 16, 2004, wherein you advise the Court that you intend to pursue your federal claims under the Fifth and Fourteenth Amendments to the United States Constitution, and that the case should be reopened because the City has not "bothered" to initiate the administrative process pursuant to the Mandate issued by the Maryland Court of Appeals on September 5, 2003. I am also responding to a January 16, 2004 letter that you addressed to me in which you request that I contact you concerning the scheduling of Mr. Murrell's administrative review with the Department of Housing and Community Development ("DHCD") as indicated in the Court of Appeals' Mandate.

I have looked into the events that have occurred with respect to the Court of Appeals' Mandate and have learned that pursuant to the remand of the case to the Court of Special Appeals, that Court, on September 30, 2003, issued an Order remanding the case to the Circuit Court for Baltimore City. A copy of the Mandate and the Order are attached. I also was advised that on November 13, 2003, the Court of Special Appeals noted that the record of the case had been received in the Circuit Court.



Howard J. Schulman, Esquire  
Page 2  
January 23, 2004

Pursuant to the Mandate, the Circuit Court was required to remand the case to the DHCD for further proceedings consistent with the Court of Appeals' Opinion. On January 29, 2004, I called the Circuit Court to inquire into the status of the case. I spoke to John Hrica, appellate division clerk of the Circuit Court, and was informed that even though the court had received the record from the Court of Special Appeals it had not yet acted upon it by remanding it to the DHCD. Mr. Hrica told me that the remand would be sent to the agency in an expeditious manner.

As you can see, your complaint regarding the City's conduct in this matter with its obvious inference that the City disregarded the Court of Appeals' Mandate, is incorrect. I am confident that when the DHCD receives the case, it will take prompt and appropriate steps to comply with the Court of Appeals' Order.

Very truly yours,

A handwritten signature in cursive script, reading "Sandra R. Gutman".

Sandra R. Gutman  
Chief Solicitor

SRG/nb

Attachment

cc: The Honorable Marvin J. Garbis, via PDF  
Jeffrey M. Kotz, Esquire

JAN-23-04 11:20 From:COURT OF SPECIAL APPEAL

4109742285

T-089 P.02/04 Job-785

1079/2000

CEPHUS M. MURRELL, et al.

RECEIVED  
COURT OF SPECIAL  
APPEALS OF MD  
\* IN THE  
2003 SEP -8 A 11:09  
\* COURT OF APPEALS

STATE OF MARYLAND

MAYOR & CITY COUNCIL OF  
BALTIMORE

\* No. 72  
\* September Term, 2001

M A N D A T E

TO THE HONORABLE THE JUDGES OF THE  
COURT OF SPECIAL APPEALS OF MARYLAND:

WHEREAS the case of Cephus M. Murrell, et al. v. Mayor and City Council of Baltimore came before you and wherein the judgment of the said Court of Special Appeals was duly entered on June 4, 2001, as appears from the transcript of the record of the said Court of Special Appeals which was brought into the Court of Appeals by virtue of a writ of certiorari dated September 13, 2001, and

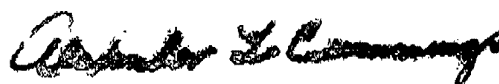
WHEREAS in the September Term, 2001, the said cause came on to be heard by the Court of Appeals of Maryland;

ON CONSIDERATION WHEREOF, it was ordered and adjudged on July 30, 2003, by the Court of Appeals of Maryland, that the judgment of the Court of Special Appeals is reversed, and case remanded to that Court with directions to reverse the judgment of the Circuit Court for Baltimore City and to remand the case to the circuit court with further directions to reverse the decision of the Department of Housing and remand the case to the Department of Housing for further proceedings consistent with

this opinion. Costs in this Court and in the Court of Special Appeals to be paid by the Respondent.

NOW, THEREFORE, THIS CAUSE IS REMANDED to you in order that such proceedings may be had in the cause in conformity with the judgment of this Court as accord with right and justice, and the Constitution and laws of Maryland, the said writ notwithstanding.

WITNESS The Honorable Robert M. Bell, Chief Judge of the Court of Appeals of Maryland, this fifth day of September 2003.



Clerk  
Court of Appeals of Maryland

Filing fee - Petition.....	\$ 50.00
Filing fee - Court of Special Appeals.....	\$ 50.00
Petitioners' Brief.....	\$ 196.80
Petitioners' reply brief.....	\$ 38.40
Appearance fee - Petitioners .....	\$ 20.00
Respondent's..... brief.....	\$ 432.00
Appearance fee - Respondent.....	\$ 10.00
Additional copies of respondent's reply brief and appendix (5).....	\$ 9.60
	\$ 806.80
Motion for Reconsideration.....	\$ 50.00
	\$ 856.80

**COSTS SHOWN ON THIS MANDATE ARE TO BE SETTLED BETWEEN COUNSEL AND NOT THROUGH THIS OFFICE.**

Cephus M. Murrell et al.

\* In the Court of Special Appeals

Appellant

\* No. 1079, September Term, 2000

v.

\* (No. 72, September Term, 2001, in  
the Court of Appeals of Maryland)

Mayor and City Council of Baltimore

\*

Appellee

\*

\* \* \* \* \*

ORDER

Pursuant to the mandate of the Court of Appeals of Maryland entered on the 5<sup>th</sup> day of September, 2003, reversing the judgment of this Court entered on the 4<sup>th</sup> day of June, 2001;

It is, therefore, this 30<sup>th</sup> day of September, 2003, by the Court of Special Appeals,

ORDERED that the mandate of this Court, issued on the 5<sup>th</sup> day of July, 2001,

dismissing the appeal be, and the same is hereby, vacated; and it is further

ORDERED that the judgment of the Circuit Court for Baltimore City be, and the same is hereby, reversed and this case is remanded to that court with directions to reverse the decision of the Department of Housing and remand the case to the Department of Housing for further proceedings consistent with the opinion of the Court of Appeals. Costs in this Court and the Court of Appeals to be paid by appellee.

CHIEF JUDGE'S SIGNATURE  
APPEARS ON ORIGINAL ORDER

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Chief Judge